



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,511	04/14/2004	Heather Clare Schultz	04 04-SCHUL	8147

7590 03/22/2005

DOROTHY S. MORSE, ESQ.
515 PARK DRIVE NW
BRADENTON, FL 34209-1847

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,511

Applicant(s)

SCHULTZ, HEATHER CLARE

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/825,511, Portable Container for Temporary Storage of Small Objects Used with Infants and Children, filed on April 14, 2004.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "20" on page 18, line 17. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flattened waistband fasteners and the snaps must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

Art Unit: 3632

replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: the term "Binkie Bucket" is not in Fig. 1 as suggested by the specification on page 13, line 7, however, the term "Binky Bucket" is shown in Fig. 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3632

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 10, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,548,375 to Moss. Moss discloses a portable container (10) adapted for the temporary storage of clean and sanitary objects known to entertain and comfort babies and small children, with the container being readily attachable to and removed from support surfaces in and around childcare locations, the container comprising: a substantially cylindrical main body (12) having a hollow interior and a wide top opening, the main body also being made in part from open-weave material, with all materials used for construction of the main body being flexible, soft-textured, and washable while at the same time having a sufficient thickness dimension that enables the top opening in the main body to remain open at all times for prompt and direct user access to the sanitary objects stored within the hollow interior; quick-release fastening means (14) adapted to temporarily and securely attach the main body and objects there to a support structure (18), the quick-release fastening means being connected to the main body so that the main body is easily movable from one childcare location to another to make the sanitary objects placed therein readily accessible for prompt delivery to a baby or child in need of one for comfort; wherein the quick-release means is selected from a group consisting of straps permanently attached to the main body, elongated straps, detachable straps, two-part hook and pile fasteners, flattened waistband fasteners, and snaps; wherein the main body has a back surface, and further wherein the quick-release fastening means comprises at least one quick-release two-part fastener with a first part (26) thereof being secured to the back surface, and further

Art Unit: 3632

with the second part (44) of the at least one quick-release two-part fastener being secured to a support surface (18); wherein the wide top opening in the main body is sufficiently large for insertion therethrough of a large adult male human hand; and a bottom surface (34) made from non-open-weave material.

Moss inherently teaches the method for making a temporary storage container comprising the steps of: providing a quantity of flexible, soft, and washable non-open-weave reinforcement material (34), a quantity of flexible, soft, and washable open-weave material (12), attachment means, and a plurality of two-part quick-release fasteners; using the reinforcement material, the open-weave material, and attachment means to create a substantially cylindrical main body; using the attachment means to connect to a first portion of the two-part quick-release fasteners to the main body; using the attachment means to secure the second portion of the two-part quick-release fasteners to a support surface; wherein the quick-release fasteners are hook-and-pile fasteners; and securing at least a portion of the fasteners to the main body in a position where they are used to temporarily and securely attach the main body to a supporting structure.

Claims 1, 2, 6, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2002/0148868 to Dion-Bildstein et al., hereinafter, Dion-Bildstein. Dion-Bildstein discloses a portable container (10) adapted for the temporary storage of clean and sanitary objects known to entertain and comfort babies and small children, with the container being readily attachable to and removed from support surfaces in and around childcare locations, the container comprising: a substantially cylindrical main body (14) having a hollow interior and a wide top opening,

Art Unit: 3632

the main body also being made in part from open-weave material, with all materials used for construction of the main body being flexible, soft-textured, and washable while at the same time having a sufficient thickness dimension that enables the top opening in the main body to remain open at all times for prompt and direct user access to the sanitary objects stored within the hollow interior; quick-release fastening means (16, 18) adapted to temporarily and securely attach the main body and objects there to a support structure (20), the quick-release fastening means being connected to the main body so that the main body is easily movable from one childcare location to another to make the sanitary objects placed therein readily accessible for prompt delivery to a baby or child in need of one for comfort; wherein the quick-release means is selected from a group consisting of straps (16, & 18) permanently attached to the main body, elongated straps, detachable straps, two-part hook and pile fasteners, flattened waistband fasteners, and snaps; wherein the wide top opening in the main body is sufficiently large for insertion therethrough of a large adult male human hand; at least one horizontally extending strip (12) of non-open-weave material; wherein the main body is compact and configured without sharp corners; wherein the at least one strap has an unattached portion and a quick-release fastening means (26, 28) secured to the unattached portion by which the unattached portion is optionally formed into a looped configuration usable for suspended attachment of the main body; and wherein the strap is made from materials that are flexible, soft-textured, and washable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss in view of U.S. Patent 6,286,798 to Chun. Moss further discloses an attachment element (14) having a quick-release fastening means for attaching to the at least one quick-release two-part first fastener, wherein the attachment is configured to engage a ring (20a). Moss discloses the claimed invention except for the limitation of at least one detachable strap. Chun teaches that it is known to have a container (120) including at least one detachable strap (V) and wherein the at least one strap comprises an upper end, and further wherein a quick-release fastening means comprises at least one quick-release two-part first fastener (180) configured for connecting the at least one strap to the container and wherein the quick-release fastening means further comprises at least one second quick-release two-part fastener forming at least a portion of the upper end of the strap into a looped configuration; and at least one vertically extending strip of non-open-weave material and further wherein one portion of the at least one quick-release two-part first fastener is attached to the vertically extending strip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the container in Moss to have included the strap and strip as taught by Chun for the purpose of providing an

Art Unit: 3632

alternative mechanically, equivalent means for hanging or suspending the container from a support surface.

Claims 3, 5, 12, 15, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dion-Bildstein in view of Chun. Dion-Bildstein further discloses that the straps are permanently attached to the container. Dion-Bildstein discloses the claimed invention except for the limitation of at least one strap being detachable from the main body. Chun teaches that it is known to have a container (120) including at least one detachable strap (V) and wherein the at least one strap comprises an upper end, and further wherein a quick-release fastening means comprises at least one quick-release two-part first fastener (180) configured for connecting the at least one strap to the container and wherein the quick-release fastening means further comprises at least one second quick-release two-part fastener forming at least a portion of the upper end of the strap into a looped configuration; and at least one vertically extending strip of non-open-weave material and further wherein one portion of the at least one quick-release two-part first fastener is attached to the vertically extending strip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the container in Dion-Bildstein to have included the strap and strip as taught by Chun for the purpose of providing an alternative mechanically, equivalent means for hanging or suspending the container from a support surface.

Dion-Bildstein combined with Chun inherently teach the method for making a temporary storage container comprising the steps of: providing a quantity of flexible, soft, and washable non-open-weave reinforcement material, a quantity of flexible, soft, and washable open-weave material, attachment means, and a plurality of two-part

Art Unit: 3632

quick-release fasteners; using the reinforcement material, the open-weave material, and attachment means to create a substantially cylindrical main body; using the attachment means to connect to a first portion of the two-part quick-release fasteners to the main body; using the attachment means to secure the second portion of the two-part quick-release fasteners to a support surface; wherein the quick-release fasteners are hook-and-pile fasteners; securing at least a portion of the fasteners to the main body in a position where they are used to temporarily and securely attach the main body to a supporting structure; making at least one strap from the reinforcement material and attaching the at least one strap to the main body; providing at least one quick-release two-part fastener and securing the at least one quick-release two-part fastener between the main body and the strap so that the strap is repeatedly detachable from the main body; and incorporating into the main body additional components selected from a group consisting of vertically extending strips and horizontally extending strips.

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss in view of U.S. Patent 2,705,517 to Elsas. Moss discloses the claimed invention except for the limitation of markings. Elsas teaches that it is known to have a mesh bag (1) having markings (6) selected from a group consisting of informational markings and design markings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the container in Moss to have included the markings as taught by Elsas for the purpose of displaying advertisement or identifying the objects placed within the hollow interior of the container.

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dion-Bildstein in view of Elsas. Dion-Bildstein discloses the claimed invention except

Art Unit: 3632

for the limitation of markings. Elsas teaches that it is known to have a mesh bag (1) having markings (6) selected from a group consisting of informational markings and design markings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the container in Dion-Bildstein to have included the markings as taught by Elsas for the purpose of displaying advertisement or identifying the objects placed within the hollow interior of the container.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent D147,587 to Kaplan

U.S. Patent 2,616,468 to Brady

U.S. Patent 2,682,290 to Ditlea

U.S. Patent 3,888,486 to Sutter et al.

U.S. Patent 4,775,082 to Krache

U.S. Patent 4,941,480 to McLean et al.

U.S. Patent 4,979,833 to Cook

U.S. Patent 4,228,834 to Desnick

U.S. Patent 5,215,379 to Pickard et al.

U.S. Patent 5,259,541 to Reese

U.S. Patent 5,325,991 to Williams

U.S. Patent 5,407,111 to Lanouette et al.

U.S. Patent 5,909,833 to Smith

U.S. Patent 5,967,345 to Subotin

U.S. Patent 6,004,033 to Cirone

U.S. Patent 6,145,715 to Slonim

U.S. Patent 6,467,665 to Jenkins

U.S. Patent 6,478,464 to Miller

U.S. Patent D475,198 to Kim

U.S. Patent 6,766,930 to Dixon et al.


Kaplan discloses a pictured bag for toys. Brady discloses a bag having a label for markings. Ditlea discloses a combination pouch and shopping bag made of mesh material. Sutter et al. discloses an article receiving and collecting receptacle assembly. Krache discloses a catch bag having a portion of open-woven material and a portion of non-open-woven material. McLean et al. disclose a device having detachable straps attached to a main body support. Cook discloses a multiple use bag of mesh material. Desnick discloses a suspending plastic mesh fabric bag. Pickard et al. disclose an information storage envelope. Reese discloses a belt with attached bag. Williams discloses an adjustable multi-purpose drink holder. Lanouette et al. discloses a sports accessory bag with convertible suspension means. Smith discloses a utility bag of mesh material and having a detachable strap. Subotin discloses a holder constructed of fabric. Cirone discloses a water bottle holder having a strap. Slonim discloses a beverage holder having a plurality of straps. Jenkins discloses a sports equipment bag. Miller discloses a retention device having meshed material and markings. Kim discloses an article bag. Dixon et al. disclose a stroller handle container including a basket made of pliable material.

Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

March 9, 2005